

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ELIZABETH KAUFMAN, individually)	CASE NO. 5:22-cv-2126
and on behalf of all others similarly)	
situated,)	HON. JOHN R ADAMS
)	
Plaintiffs,)	
vs.)	
)	
GARDNER PIE COMPANY,)	
)	
Defendant.)	
)	

NOTICE OF UNPAID OVERTIME LAWSUIT

THIS IS NOT A LAWSUIT AGAINST YOU

READ THIS NOTICE CAREFULLY

TO: All current and former hourly employees who worked more than 40 hours in any workweek for Gardner Pie Company Inc. in Akron, Ohio at any time during the past three years.

RE: LAWSUIT FOR UNPAID OVERTIME WAGES UNDER THE FAIR LABOR STANDARDS ACT

1. INTRODUCTION

This Notice is to inform you about a lawsuit in which you may be eligible to make a claim for damages under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, to advise you of how your rights may be affected by this lawsuit, and to inform you on the procedure for participating in this lawsuit, if you are eligible and so choose.

2. DESCRIPTION OF THE LAWSUIT

Plaintiff Elizabeth Kaufman (“Plaintiff”) filed this action against Gardner Pie Company (“Defendant”) on behalf of herself and all other current and former hourly employees who worked more than 40 hours in any workweek for Defendant at any time in the past three years. Plaintiff alleges that Defendant failed to pay its hourly employees correct overtime wages for all work performed in excess of forty (40) hours per week. More specifically, Plaintiff alleges that Defendant violated the FLSA by not including employees’ shift premiums and other bonuses into the overtime calculations.

Plaintiff alleges that she and current and former hourly employees who worked more than 40 hours in any workweek within the past three years are entitled to unpaid overtime wages, liquidated (double) damages, plus attorneys' fees and costs associated with bringing this lawsuit.

Defendant denies that it violated the FLSA and denies that current or former hourly employees are entitled to any relief, damages or attorneys' fees.

3. PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The U.S. District Court for the Northern District of Ohio authorized the distribution of this Notice to:

All current and former hourly employees who worked more than 40 hours in any workweek for Gardner Pie Company in Akron, Ohio during the last three years.

If you receive this notice and fit the description above, you may be eligible to join this lawsuit.

4. NO OPINION EXPRESSED AS TO MERITS OF LAWSUIT

This litigation is in the early pretrial stage and the Court has made no findings as to the merits of the lawsuit. The Court takes no position regarding any claims or defenses and there is no assurance that the Court will grant any relief to the Plaintiff in this case.

5. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you meet the definition for the Collective group identified in Section 3, you are eligible to join in this lawsuit.

There is no cost to you to participate in the lawsuit, but there is no guarantee of any recovery either. If a violation of the FLSA is proven, you may be eligible to recover damages as allowed by law.

It is entirely your own decision whether to join this lawsuit.

6. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by any settlement or judgment on any claim you may have under the FLSA, whether favorable or unfavorable. That means that, if Plaintiff wins, you may be eligible to share in any monetary award; if Plaintiff loses, no money will be awarded, and you will not be able to file your own lawsuit regarding the matters raised in this lawsuit.

While this lawsuit is proceeding, you may be required to respond under oath to written questions, to have your deposition taken under oath, to produce documents, and/or to testify in court at a trial or hearing at the U.S. District Courthouse in Akron, Ohio.

By joining this lawsuit, you are designating the attorneys identified in Section 7 to represent

your interest. In addition, you agree that the Plaintiff may make decisions on your behalf regarding this lawsuit, including the manner and method of conducting the suit. If you elect to participate in this lawsuit, you are designating the Plaintiff as your agent to make decisions on your behalf in this lawsuit and agreeing that the decisions and agreements made by the Plaintiff will be binding on you. Further, you will be bound by the judgment of the Court on all issues in this lawsuit, whether favorable or unfavorable.

7. NO LEGAL EFFECT IN NOT JOINING IN THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected or bound by any judgment, favorable or unfavorable, on any claims brought under the FLSA alleged in this lawsuit.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join the lawsuit, the attorneys retained to represent the Plaintiff and the Collective group are:

Matthew L. Turner
Jesse L. Young
Albert J. Ascianto
Sommers Schwartz, P.C.
One Towne Square, Suite 1700
Southfield, Michigan 48076
Tel: (248) 355-0300
mturner@sommerspc.com
jyoung@sommerspc.com
aascianto@sommerspc.com

If you choose to join this lawsuit, the attorneys listed above will represent you unless you obtain your own attorney to file your own case. You are not required to pay attorneys' fees or court costs at this time. If Plaintiff prevails, Plaintiff's counsel will seek an order requiring Defendant to pay their reasonable attorneys' fees and expenses. The Court must approve any award of attorneys' fees and/or costs.

8. HOW TO JOIN THIS LAWSUIT

If you wish to join in this lawsuit, you must complete, sign, and mail, fax, or email the enclosed Consent Form in the envelope provided to:

[NOTICE ADMINSTRATOR]

9. DEADLINE

Your signed Consent Form must be completed and postmarked by [60 days from mailing], **2024**, for you to be eligible to participate in this lawsuit. The Fair Labor Standards Act contains a limitations period of at least two years and potentially up to three years for the filing of a claim for unpaid overtime wages. The statute of limitations continue to run unless you elect to submit a consent form and that form is filed with the Court.

10. NO RETALIATION PERMITTED

The FLSA prohibits employers from discriminating or retaliating against any person for filing a lawsuit, a claim for compensation, assisting or testifying in a lawsuit under the FLSA, or participating in a proceeding or exercising rights under the FLSA.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS LAWSUIT

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HON. JOHN R ADAMS

1. Pursuant to the Fair Labor Standards Act, 29 U.S.C. §216(b), I hereby consent to opt-in to this lawsuit.
2. I worked for Gardner Pie Company as an hourly employee, and worked more than 40 hours in a workweek within the past three years. I agree to be bound by any adjudication or court rulings in this lawsuit, whether favorable or unfavorable.
3. I hereby designate the Sommers Schwartz, P.C. law firm to represent me in this lawsuit.

(Please print legibly. Your contact information will not be filed with the Court.)

Signed: _____

Name (Print): _____

Dated: _____

CONSENT FORM (Cont'd)

Name (Print): _____

Address: _____

City, State, Zip Code: _____

Telephone No(s).: _____

E-mail: _____

You may mail, fax, or e-mail your completed materials to:

[NOTICE ADMINISTRATOR]

To be effective, your materials must be postmarked by [60 days from mailing], 2024.